IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE SIXTH DAY OF SEPTEMBER
TWO THOUSAND AND SEVEN

PRESENT
THE HON'BLE SRI JUSTICE BILAL NAZKI
and
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.18868 of 2007

Between:

M/s.Kayesvee & Company,
Kavali.

..... PETITIONER

and

1.Assistant Commissioner (CT),
Nellore, and 5 others.

.....RESPONDENTS

The Hon'ble Sri Justice Bilal Nazki
and
The Hon'ble Sri Justice Ramesh Ranganathan

Writ Petition No.18868 of 2007

Order: *(per the Hon'ble Sri Justice Bilal Nazki)*

Heard learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

The controversy is that pending an appeal, application for stay was dismissed by the competent authority. We have gone through the record. We feel that the interest of justice would have been met if stay was granted pending appeal, subject to deposit of 50% of the disputed tax within

a period of four weeks from today. Therefore, we set aside the order of the authority and the garnishee notice dated 10-04-2007 and direct that 50% of the disputed tax shall be paid by the petitioner within a period of four weeks from today. For four weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within four weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal. The amount already paid by the petitioner shall be given credit to.

The Writ Petition is disposed of accordingly. No costs.

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(Bilal Nazki, J)

6th September, 2007

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(Ramesh Ranganathan, J)

Note:
Wire at
party's costs
B/o
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